

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BOEHRINGER INGELHEIM)	
PHARMACEUTICALS INC.,)	
BOEHRINGER INGELHEIM)	
INTERNATIONAL GMBH, and)	
BOEHRINGER INGELHEIM)	
CORPORATION,)	
)	
Plaintiffs,)	
)	C.A. No. 22-1102 (CFC)
v.)	
)	
DR. REDDY'S LABORATORIES)	
LTD. and DR. REDDY'S)	
LABORATORIES, INC.,)	
)	
Defendants.)	

STIPULATION AND ~~PROPOSED~~ ORDER
TO CONSOLIDATE AND STAY PROCEEDINGS

WHEREAS, Plaintiffs assert infringement of U.S. Patent No. 11,090,323 (the “’323 Patent”) against the products that are the subject of Defendants’ ANDA No. 212336 in this action;

WHEREAS, Plaintiffs also assert the ’323 Patent in certain related actions, specifically, C.A. Nos. 21-1485-CFC, 21-1486-CFC, 21-1487-CFC, 21-1573-CFC, 21-1766-CFC, and 22-220-CFC;

WHEREAS, at the April 13, 2022 Conference, the Court ordered that C.A. Nos. 21-1485-CFC, 21-1486-CFC, 21-1487-CFC, 21-1573-CFC, 21-1766-CFC, and 22-220-CFC be consolidated (the “Consolidated Cases”), with C.A. No. 21-

1485-CFC as the lead case (the “Lead Case”) (*see, e.g.*, 4/18/2022 Oral Order in C.A. No. 21-1485);

WHEREAS, given the overlap in the asserted patent, the parties desire to consolidate the instant action with the Lead Case;

WHEREAS, at the April 13, 2022 Conference, the Court also ordered that the Consolidated Cases be stayed pending resolution of Defendants’ motion regarding the enforceability of the ’323 Patent, to be filed consistent with the Court’s guidance at the April 13, 2022 Conference (*see, e.g.*, Tr. at 81:6-8);

WHEREAS, the parties further agree that the Court’s April 13 ruling to stay the Consolidated Cases pending resolution of Defendants’ motion regarding the enforceability of the ’323 Patent should also apply to this action;

IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES, subject to the approval of the Court, that:

1. This case is hereby CONSOLIDATED with the Lead Case; and
2. Consistent with that consolidation, this case is STAYED pending resolution of a motion to be filed by Defendants regarding the enforceability of the ’323 Patent.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP PHILLIPS, McLAUGHLIN & HALL, P.A.

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/s/ John C. Phillips, Jr.

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Attorneys for Defendants

Attorneys for Plaintiffs

October 17, 2022

SO ORDERED, this 18th day of October 2022.



Chief, United States District Judge